

Edward W. Swanson, SBN 159859  
August Gugelmann, SBN 240544  
Swanson & McNamara LLP  
300 Montgomery Street, Suite 1100  
San Francisco, CA 94104  
Telephone: (415) 477-3800  
Facsimile: (415) 477-9010

Attorneys for Defendant RAFAEL MONTOYA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

IVAN CERNA, *et al.*,  
Defendants.

Case No. CR 08-0730 WHA

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING DEADLINE FOR  
SUBMISSION OF PROPOSED  
FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Rafael Montoya, by and through Edward W. Swanson and on behalf of various codefendants,<sup>1</sup> and the United States, by and through Assistant United States Attorney Wilson Leung, hereby stipulate and agree as follows:

1) On September 4, 2009, the Court ordered the parties submit proposed findings of fact and conclusions of law regarding defendant Judith Sosa's Motion to Enforce *Brady v. Maryland* (Docket 315), by noon today, September 11, 2009. The Court ordered the defense to file a single brief on behalf of all defendants.

2) Counsel for Ms. Sosa, Ethan Balogh, has drafted a submission on behalf of the

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<sup>1</sup>This stipulation is made on behalf of Ivan Cerna, Marvin Carcamo, Angel Noel Guevara, Moris Flores, Guillermo Herrera, Jonathan Cruz-Ramirez, Walter Cruz-Zavala, Walter Palma, Erick Lopez, Walter Chinchilla-Linar, Cesar Alvarado, Douglas Largaespada, Melvin Maldonado, Mauricio Urias, Judith Sosa, John Lacsamana Briez, Aristides Carcamo, Rafael Montoya, Rodil Nochez, Daniel Gonzalez, Wilbert Castillo, and Daniel Portillo.

3) Undersigned counsel have just learned that Mr. Balogh was taken to the emergency room this morning. As a result, Mr. Balogh is unable to finalize and file the submission by the Court's noon deadline.

4) Undersigned counsel has informed Mr. Leung of the situation, and Mr. Leung has graciously agreed to request jointly that the filing deadline for both parties be extended until Monday, September 14, at noon.

5) Therefore, the parties hereby request that the Court extend the filing deadline for proposed findings of fact and conclusions of law to noon on September 14, 2009.

IT IS SO STIPULATED.

Dated: September 11, 2009

Respectfully submitted,

/s/  
Edward W. Swanson  
SWANSON & McNAMARA LLP  
Attorneys for RAFAEL MONTROYA

/s/  
Wilson Leung  
Assistant United States Attorney

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Hon. William Alsup  
United States District Court